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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 5th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 18 March 1998, at 10 a.m.

Chairman: Mr. SELEBI (South Africa)

CONTENTS

ORGANIZATION OF THE WORK OF THE SESSION (continued)

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF COLOMBIA

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF POLAND

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF ALGERIA

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF LITHUANIA

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GE.98-11083 (E)

CONTENTS (continued)

STATEMENT BY THE SECRETARY OF STATE FOR FOREIGN AFFAIRS OF LUXEMBOURG

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF SENEGAL

STATEMENT BY THE MINISTER OF STATE FOR FOREIGN AFFAIRS OF CAMEROON

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF BELGIUM

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF PAKISTAN

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (continued)

The meeting was called to order at 10.05 a.m.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued) (E/CN.4/1998/104, 109, 117, 122 and 123)

1. Mr. AMAT FORES (Cuba) said that his delegation was concerned about the organization of the work and the working methods of the Commission, a situation which had a direct effect on the ability of its member States to act with seriousness, objectivity and efficiency. At the practical level, that situation was typified by the political manipulation of established items and mechanisms, the proliferation of unread reports and repetitive resolutions, and statements directed more to the cultivation of domestic political audiences than to the solution of the problems being debated.

2. None of those practices contributed to the credibility of the Commission or to the achievement of its goals. Moreover, the universality of all human rights was reduced to mere rhetoric when the special thematic procedures and resolutions adopted by the Commission under agenda item 10 ignored the serious situations that notoriously existed in many countries of the industrialized North.

3. There was no point, however, in indicating the problems without any attempt to propose solutions. The Commission had reached the stage of exceeding its capacity for action and it was impossible for all its member States to contribute equally to its work. In the last 10 years, the number of meetings, the number of high-level dignitaries addressing the Commission and the number of observers had increased exponentially, while the number of statements each member could make on a given item had been drastically reduced. The secretariat had provided participants with a document containing statistics relating to the Commission's previous session (E/CN.4/1998/109) and he wondered whether any delegation had been able to analyse, or indeed even to read, the over 13,000 pages of documentation concerned. It also seemed unlikely that delegations had had sufficient time to give thorough consideration to the content of each and every one of the 104 decisions and resolutions the Commission had adopted in 1997. The increasing politicization of the Commission's work had already been mentioned. The Commission was an intergovernmental body and some political considerations were to be expected in its decisions, but politicization had become increasingly acute and selective at the beginning of the 1990s, with the coming of the so-called "new world order".

4. The restructuring of the Commission could thus no longer be postponed. It should include a rational agenda that was closer to the real world, new working methods that would allow for the full participation of all its members, and a review of its established mechanisms. How to achieve that goal had still to be determined, but it was abundantly clear that it could not be reached without the contributions of all member States. His delegation had submitted a draft resolution on the subject at the fifty-third session, consideration of which had been deferred until the current session. That text would be formally resubmitted for consideration by the Commission. More generally, his delegation was anxious to cooperate with all efforts made by members of the Commission to improve the quality of its work.

5. Mr. LEHMANN (Denmark) said that his delegation would welcome any realistic proposals that would contribute to the efficient functioning of the Commission. The Chairman had already made some progress in that direction through his approach to its work. In addition, all States should cooperate in good faith with the Commission's mechanisms, including the Office of the High Commissioner for Human Rights.

6. In a statement made at a previous meeting, the representative of the Republic of Korea had recognized that the participation of non-governmental organizations (NGOs) enhanced the ability of the Commission to address the issues under consideration but had suggested that the secretariat should screen the interventions by those organizations so as to avoid giving access to unauthorized groups and to ensure objectivity. His own delegation felt that any action of that kind would require very careful consideration to ensure that no undue restrictions were placed on the right to freedom of expression.

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF COLOMBIA

7. Mr. REYES RODRIGUEZ (Colombia) said that, 50 years after the adoption of the Universal Declaration of Human Rights, the many advances made included strengthening of the system of protection, the adoption of the basic legal and political international human rights instruments, and the establishment of machinery for monitoring, studying and analysing human rights problems. In the fiftieth anniversary year, it was an appropriate moment to pay tribute to all those who had contributed to those advances over the half century, and, in particular, to the human rights defenders. The Commission could recognize their important work by adopting unanimously the draft declaration on human rights defenders which the Working Group had prepared.

8. The five-year review of the commitments made in the Vienna Declaration and Programme of Action also provided an opportunity for the international community to reflect on the ways in which the international system for protection of human rights could meet the needs and expectations of the new millennium. Although the principle of the indivisibility of human rights had, indeed, been enshrined in international law, the protection of economic and social rights had still not received in practice adequate commitment from States. Higher priority must be given by the international community to the elimination of extreme poverty as an essential prerequisite for the full enjoyment of human rights.

9. Another matter of great importance, particularly in internal armed conflicts, was the need for progress towards the abolition of anti-personnel landmines. He thus called on all States to sign and ratify the international agreement banning the use, stockpiling, production and transfer of anti-personnel landmines. It was also imperative, in the context of internal armed conflicts, that the international community should continue to condemn violations of humanitarian law and basic rights, whoever perpetrated them, and urge all parties to such a conflict to seek peace and reconciliation. Greater consideration should be given to the importance of stimulating and enhancing the machinery for cooperation with and assistance to States wishing to work jointly with the Commission to improve difficult situations.

10. In that connection, the establishment of an Office of the High Commissioner for Human Rights in Colombia had provided a mechanism with greater flexibility for action than the Commission's traditional ones and had opened the way to a new concept of international cooperation in the area of human rights. The Office was a unique mechanism because of its establishment on the basis of an agreement with a democratic Government, its ongoing presence in the field, its ability to receive complaints and provide advisory services and also to submit detailed analytical reports to the High Commissioner and the Commission.

11. His Government, which regarded the international community as its main ally in promoting human rights, attached great importance to the functioning of the Office and was well aware that the full enjoyment of basic rights could be achieved only by putting an end after almost 40 years to the armed conflict, but it was also convinced that respect for human rights, in addition to being an ethnical imperative, would contribute to the resolution of that conflict. In short, his Government believed that the Office of the High Commissioner in Colombia was the most appropriate mechanism whereby the international community could help Colombians to achieve their greatest desire as a nation: peace and the full enjoyment of human rights.

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF POLAND

12. Mr. KOZLOWSKI (Poland) said that, when the Universal Declaration of Human Rights had been adopted 50 years previously, few people had believed that it was destined to change the world. From the outset, however, the Declaration had been treated as something to be feared and, in totalitarian States, its text had been available only in the restricted sections of libraries that were closed to ordinary readers. He had personally been detained in 1969 for attempting to smuggle into Poland a number of books, including copies of the Declaration. But Poland had since regained its freedom and he welcomed the opportunity to pay tribute to the solidarity and assistance provided by the free nations of the world in achieving that freedom.

13. There were still many places in the world, however, where an attempt to exercise the rights embodied in the Declaration was punishable by imprisonment, deportation or even death. Moreover, the existence of regimes that violated the Declaration posed a threat not only to their own nations but also to neighbouring States and to the world at large. Human rights were not, nor could they be, an internal affair of a single Government.

14. Poland had a long history of respect for human rights which went back many centuries. The ideas found in its traditional heritage could, however, also be found in the heritage of every other nation. The Declaration was indeed universal and was not the product of a single period, culture or continent. Its message was equally clear both to all those who cherished freedom and to all the regimes that were based on the curbing of freedom. In addition to the Declaration itself, the international community had since adopted a series of binding instruments to implement the rights embodied in the Declaration. He was proud that the Polish delegation had initiated one of those instruments, the Convention on the Rights of the Child.

15. There were some conflicts of values that were difficult to reconcile: it was hard to guarantee human rights to citizens of a nation that was denied the right to self-determination. Despite the great successes of decolonization, there were still nations - including some in Europe - which had not yet achieved that right. Reconciling their right to self-determination with the principle of the inviolability of borders as the basis of the international order was not easy. The existence of democratic multi-ethnic States showed that it was not impossible, but the history of such States also demonstrated how difficult it was. Governments needed to be constantly reminded of their responsibility in that regard. While the expanded United Nations human rights apparatus could monitor and offer advice, it could not be held responsible for the success or failure of any such undertaking.

16. That did not alter the fact that the United Nations bodies dealing with human rights, including the High Commissioner, should be strengthened and their procedures simplified. It was intolerable that a State suspected of human rights violations should be able to form a coalition and successfully prevent its case from being brought before the Commission. It was clear that a modification and/or reinterpretation of the proceedings of the Commission was needed which would make it impossible for States to abuse the procedure and prevent the Commission from taking a decision.

17. The Commission should be part of the United Nations reform process: its agenda had to be streamlined and its preventive capacity enhanced. The implementation strategy should aim at promoting an extensive programme of technical assistance and advisory services for all countries needing them and willing to cooperate. The High Commissioner should be given budgetary, organizational and human resources which were in keeping with the scale and diversity of her task. Serious consideration should be given to cooperation with regional organizations, including the application of the principle of subsidiarity at the universal level.

18. Poland currently held the chair of the Organization for Security and Cooperation in Europe (OSCE) and would be treating the human dimension as a key component of a comprehensive concept of European security. OSCE had adopted a proactive approach to the protection of human rights and had operated side by side with the United Nations in Bosnia, Croatia, the FYR of Macedonia, Georgia and Tajikistan. OSCE should contribute more effectively to the universality and indivisibility of human rights: it was concerned not only with the protection of human rights in legal terms but also with the protection of minorities and of the right to national identity in terms of language, school and religion. The current difficulties in Kosovo constituted a test which the international community must not fail. A cooperative effort by the various international organizations and institutions could, he hoped, avert the dangers there.

19. The condition of human rights depended largely on the involvement of NGOs, and the key to progress was for Governments and civil society to work together. His Government paid tribute to the enormous devotion and work of the NGOs.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF ALGERIA

20. Mr. ATTAF (Algeria) said that, 50 years after the adoption of the Universal Declaration of Human Rights, the basic interdependence and indivisibility of human rights was far from being fully realized. Advances had been mostly in civil and political rights, while economic, social and cultural rights were still being treated unequally and in an inappropriate way. Economic and social development were essential to both political democracy and human rights.

21. Algeria's transformation to a pluralist political system, begun in 1988, had been accompanied by internal tensions and totalitarian terrorist aberrations of the kind experienced by other systems in transition. Such extremism and terrorist violence were alien to the ancestral values of the Algerian people and derived from a false interpretation of religion. The violence was aimed without any distinction as to age or sex at people regarded as guilty of not supporting the terrorists' plan to impose a retrograde and totalitarian society.

22. Far from cowing the Algerian authorities and people, the terrorist violence had had the effect of strengthening their determination to consolidate even more firmly their pluralist culture and to combat totalitarianism in whatever form it might appear. The democratic process was backed by the Algerian people and would not be deflected in its forward march. Algeria, as a whole, had embarked upon the restoration of the electoral process with full guarantees of equity and transparency, including the presence of international observers, and was also engaged in consolidating the rule of law and protecting and promoting human rights. The country had legitimate republican institutions based on universal suffrage and a separation of powers, with freedom of the press as one of the guarantees of the irreversibility of the process and one of the pillars of pluralist democracy.

23. The difficult situation due to the terrorist factor had not altered the determination of the public authorities to maintain transparency. Algeria had received parliamentary delegations from abroad as well as a number of eminent visitors, and for the past 10 months there had been nearly 1,000 foreign journalists in the country. Algeria had a number of human rights monitoring mechanisms and, in addition to the judicial process, there was also the possibility of recourse to parliament. There was a commission of inquiry into the functioning of local elections, an independent national institution for monitoring human rights and a national community movement. Algeria regularly met its obligations vis-à-vis the United Nations human rights treaty bodies.

24. The scourge of terrorism would not deflect Algeria from its task of constructing a modern State based on law, political alternation and republican principles, as well as the implantation of human rights in the collective life of its people. The cowardice and barbarity of terrorism was a violation of the most sacred human right, the right to life, and the international community must take a stand on the inadmissibility of terrorist violence and match words of condemnation with concrete action.

25. The global challenge posed by terrorism could not be tackled on a selective basis, and political determination on the part of the international community had to be expressed through effective solidarity and cooperation at four levels. Terrorism had to be apprehended as a universal epidemic and not dealt with on a selective and differentiated basis; efforts to justify or explain terrorism as a political practice or means of expression should be rejected; the prime sponsors of terrorism should be neutralized and the sources of finance and arms stifled; and, finally, decisive action should be taken against the abuse of the right of asylum for the purpose of installing transnational networks to support terrorism.

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF LITHUANIA

26. Mr. BERNOTAS (Lithuania) said that the purest measure of the value of the Universal Declaration of Human Rights was how it had changed the lives of each and every individual; its impact had been profound and far-reaching, with human rights having been incorporated into treaty law and empowering people directly. Nevertheless, the struggle to realize human rights required constant and persistent efforts, since intolerance and violence, discrimination and the curtailment of freedom of expression and opinion were a reality in many societies.

27. Lithuania was unique in having restored its State independence and sovereignty twice during the twentieth century. Ten years previously, the process of regaining sovereignty had begun with the struggle for the right to peaceful assembly and the right to freedom of association. The will of the people had led to the restoration of Lithuanian independence and the country had become the first of the Baltic States to be accepted into the Council of Europe.

28. His Government welcomed the High Commissioner's efforts to shape a framework for action that would result in the human rights programme and the increased significance of field operations, as well as the Secretary-General's proposals aimed at reinforcing the horizontal approach to human rights within the United Nations system. It attached great importance to practical support for the implementation of universal human rights standards, and considered that technical cooperation was one of the key areas of the High Commissioner's activities. It saw special merit in the advisory services financed through the Voluntary Fund for Technical Cooperation and was planning to make its first contribution to that Fund.

29. His Government welcomed the development of contacts between the United Nations and the Council of Europe: the Council had great expertise in the field of technical assistance and its knowledge and experience could be availed of to enhance the human rights programme of the United Nations and review the human rights machinery.

30. Assistance from the international community was not an excuse for avoiding what were basically national responsibilities, and his Government regarded the approaching millennium as an era in which human rights would be universally accepted as inherently required for the promotion of peace, security, economic prosperity and social justice, but for that to happen the conscious efforts of the community, Governments and NGOs and of all humankind

would be needed. A start should be made by devoting much more attention to the younger generation and by helping young people to acquire a deeper knowledge of human rights and how they were to be exercised in life.

STATEMENT BY THE SECRETARY OF STATE FOR FOREIGN AFFAIRS OF LUXEMBOURG

31. Mrs. ERR (Luxembourg), having endorsed the statement on human rights made by the spokesman for the European Union, said that one of her Government's priority concerns was the promotion and protection of the rights of the child. It thus welcomed the 191 ratifications and accessions to the Convention on the Rights of the Child registered to date and appealed to the States that had not yet ratified the Convention to do so. It was dismayed, however, at the failure of the Working Group on the draft optional protocol relating to the involvement of children in armed conflict to reach agreement after several years of work.

32. At the fiftieth session of the General Assembly, her delegation had sponsored a proposal designed to put an end to the exploitation of child labour and was gratified to see that its initiative had been incorporated in the Commission resolution on the rights of the child (resolution 1997/78, section VI). In that connection, she pointed out that her country was providing not only moral but also material support of a substantial nature to the programmes to combat the exploitation of child labour operated by the International Labour Organization (ILO) and the United Nations Children's Fund (UNICEF).

33. The promotion and protection of the rights of women was another of her Government's priorities. While noting with approval that a number of French-speaking delegations were employing the expression "droits de la personne" in preference to "droits de l'homme", she remarked that the Commission could do more to promote women's rights by including them more consistently in the mandates of its rapporteurs and in its advisory services programmes. The conclusions adopted by the Commission on the Status of Women at its latest session should be reflected at all the levels of the Commission's work.

34. The third point that she wished to stress was the importance her country attached to the abolition of the death penalty. If universal abolition could not be achieved immediately, then the initiation of a moratorium on the death sentences already passed or, where execution of the sentence was unavoidable, its performance in circumstances respectful of human dignity might constitute acceptable interim solutions.

35. Her Government's fourth priority was its full support for the establishment of a permanent international criminal court with a view to putting an end to the unacceptable impunity of perpetrators of war crimes - including rape committed during armed conflicts - and of acts of genocide and crimes against humanity. In conclusion, she associated herself with all the previous speakers who had favoured the adoption of a declaration on human rights defenders.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF SENEGAL

36. Mr. NIASSE (Senegal), stressing his Government's profound commitment to the cause of freedom and democracy which was reflected, in particular, in its efforts in connection with the establishment of an African court of human and peoples' rights, said he wished to draw the Commission's attention to a regional conference on the establishment of an international criminal court held at Dakar in February 1998, such a court having become a necessity to advance the rule of law.

37. The human rights situation in Senegal had been reviewed by the Committee against Torture in May 1996 and by the Human Rights Committee in October 1997. An Act making torture a criminal offence in accordance with article 1 of the Convention against Torture had been adopted on 28 August 1996, and Senegal had also made the declaration, under articles 21 and 22 of the Convention, that it recognized the competence of the Committee against Torture to consider complaints from States or individuals.

38. In the same spirit, the powers of the Senegalese Committee on Human Rights had been strengthened in conformity with the relevant General Assembly resolutions concerning national institutions for the promotion and protection of human rights, and an interministerial committee had been set up to coordinate government activities in the human rights field and to ensure the timely submission of periodic reports to the United Nations treaty bodies. The teaching of human rights had been incorporated into the curricula of schools, universities and police training colleges.

39. The President of Senegal, in agreement with the Secretary-General of the United Nations, had recently taken the initiative of proposing the publication of a special reference work entitled "Freedom 98" to mark the fiftieth anniversary of the Universal Declaration of Human Rights. In addition to messages from the Secretary-General and other eminent persons, the volume would contain articles by outstanding representatives of the worlds of politics, law, literature and the arts, as well as illustrations by well-known artists from all the continents.

40. Turning to the wider issues arising in connection with the fiftieth anniversary of the Universal Declaration, he said that, while the United Nations had demonstrated its ability to adapt to new realities in international relations, its approach to human rights issues had not always met the expectations and concerns of the developing world. In that context, his Government wished to reaffirm its commitment to the implementation of the Declaration on the Right to Development at both the national and international levels, in which connection it welcomed and supported the efforts of the intergovernmental working group on the right to development and hoped that those efforts would lead to the setting up of an appropriate mechanism to monitor the implementation of that right.

41. In conclusion, he reiterated his Government's continuing commitment to the struggle against all forms of discrimination and its support for the proposal to convene the third world conference on racism before the year 2001.

STATEMENT BY THE MINISTER OF STATE FOR FOREIGN AFFAIRS OF CAMEROON

42. Mr. KOUOMEGNI (Cameroon) said that, on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, he wished to pay a particular tribute to one of its main authors, Réné Cassin, Nobel Peace Prize of 1968. It might be appropriate if the international community as a whole were to create a Pantheon of the greatest contemporary servants of mankind, with Mr. Cassin being the first to enter it.

43. Africa's commitment to the cause of human rights was reflected in the African Charter on Human and Peoples' Rights, adopted by the Organization of African Unity (OAU) in 1981. Although much still remained to be done, some significant and, it was hoped, irreversible advances had been recorded in recent years on the African continent in terms of the realization of human rights.

44. In Cameroon, the policy of national renewal initiated in 1982 had brought many changes, as a result of which the country currently had some 130 political parties, 7 of which were represented in the National Assembly. All public freedoms, including those of expression, association, assembly, etc., had been restored and censorship of the press had been abolished. A national committee of human rights and freedoms had been established and, most important of all, a new Constitution guaranteeing, in particular, the protection of minorities and safety of the person, had been adopted. In short, without being perfect, Cameroon was totally different from what it had previously been.

45. There were no political prisons or prisoners, and no citizen of Cameroon could be said to be in exile for political reasons. The growing confidence and maturity of the population was largely responsible for Cameroon's economic and political stability in a Central Africa beset by severe social and political disturbances.

46. Cameroon also made a point of ratifying and respecting international human rights instruments. Thus, in its regrettable and anachronistic border and territorial dispute with Nigeria, it had always complied with the Geneva Conventions. He wished to take the opportunity to invite the Nigerian authorities to abide by those Conventions and authorize the International Committee of the Red Cross (ICRC) to visit Cameroonian prisoners of war held by them, just as the Cameroonian authorities were doing in the case of Nigerian prisoners. Cameroon, which had brought the dispute before the International Court of Justice at The Hague with a view to achieving a peaceful settlement, wished to stress that it had no hegemonistic ambitions and considered the right to peace to be an integral component of human rights.

47. To conclude his statement, he wondered whether, in view of the multitude of changes and developments in the world since 1948, some enrichment of the Universal Declaration might not be needed. In particular, the insertion of a new generation of human rights and the establishment of an international court of human rights and the rights of peoples would make a valuable contribution to the maintenance of international peace and security and the strengthening of democracy and development throughout the world. The possibility might also be considered of setting up regional centres for the dissemination and

popularization of human rights, as well as for research and training, with a view to spreading a genuinely popular culture of human rights among all the nations.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF BELGIUM

48. Mr. DERYCKE (Belgium), having endorsed the statement made by the spokesman for the European Union, said that, notwithstanding the significant advances in the field of human rights over the past 50 years, it had to be recognized that the implementation of standards still lagged behind their proclamation. Such discrepancy between words and deeds was particularly unacceptable in the field of human rights.

49. It was essential to close the rift between the North and South and never to employ human rights as a political or diplomatic weapon. Rather than adopt resolutions devoid of any operational content, the international community should do more to ensure the effective prevention of human rights violations by means, inter alia, of technical cooperation projects. The fact that a country with manifest human rights problems had not formed the subject of a Commission resolution should never be interpreted as legitimization of an existing situation nor used to question the importance of human rights as a foreign policy criterion.

50. The fact that the United Nations allocated less than 2 per cent of its budget to human rights was a matter for serious concern, especially as the bulk of it was absorbed by administrative costs. The institutional apparatus would have to be made more efficient if policies of dialogue and rapprochement were to be reflected in concrete action. The best way to celebrate the fiftieth anniversary of the Universal Declaration would be to place more emphasis on providing practical assistance where it was needed.

51. The Commission was the central forum for the dialogue concerning United Nations human rights activities, but the time had surely come to make the dialogue more regular and more effective. There seemed to be a need for continual consultations between Governments, given the growth of interest in human rights, the number of operations launched by the High Commissioner and the success of technical cooperation projects. He therefore fully supported the Chairman's suggestion that inter-sessional informal consultations should be held on improving the existing mechanisms.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF PAKISTAN

52. Mr. AYUB KHAN (Pakistan) said that the principles of the Universal Declaration of Human Rights mirrored the values which formed an integral part of a just Islamic society. The founder of his own country had envisaged Pakistan as an ideal State based on social justice, where all citizens would enjoy equal rights and be free from fear, want and ignorance.

53. That ideal had yet to be realized; but his Government was committed to addressing the impediments to the realization of the universal standards of human rights. It was making progress in that direction through programmes to eliminate exploitative child labour, ensure full equality for women, eliminate certain anomalous practices in its penal system, and integrate human rights

education into the training of its law-enforcement officials. It sought to make progress through democratic and good governance and adherence to the rule of law.

54. The past 50 years had seen a historic movement to establish higher standards of human freedom; a significant enlargement of freedom, particularly through the exercise of the right to self-determination by colonized peoples; and an unprecedented acceleration in technological advances, together with a growth in economic and social prosperity. The end of the cold war reflected the ascendancy of democracy and free markets, but the promised peace dividend had unfortunately proved elusive. Conflicts had proliferated and poverty had spread faster than prosperity. Those two factors, together with new manifestations of prejudice, intolerance and arrogance, were the three main causes of grave human rights violations.

55. The right to self-determination was the foundation of the system of nation States and suppression of that right was the wellspring of most conflicts. Among those denied that right were the people of Palestine, where peace could be achieved only if that people was able to exercise its right to self-determination and statehood through the implementation, in the letter and in the spirit, of the resolutions of the Security Council and the Oslo Accords.

56. Security Council resolutions had promised the people of Jammu and Kashmir that they would be able to determine their political destiny through the exercise of a free and fair plebiscite under United Nations supervision. The then Prime Minister of India, Mr. Nehru, had stated that his country would accept the people's decision and that no army would be sent against them. Yet, 50 years later, the people of Kashmir were still awaiting the fulfilment of those legally binding commitments and an army had indeed been sent against them, an army numbering over 600,000 men. More than 60,000 Kashmiris had been killed, thousands had been maimed or injured and thousands were being held in jails. Murder, rape, arson, looting and kidnapping had become the routine instruments of the army of occupation.

57. That strategy of force had been combined with sham elections. Free and fair elections could not, of course, be held under foreign military occupation, nor could democracy be imposed by an alien oppressor. The true representatives of the people of Jammu and Kashmir continued to demand the right to determine their own destiny, following the withdrawal of the occupation forces and under United Nations supervision. His Government thus called on the Commission to uphold the just cause of Jammu and Kashmir and to punish and deter, through the international criminal court, the crimes that were taking place. He also hoped that the new High Commissioner would visit Jammu and Kashmir and that the United Nations human rights mechanisms would respond to the plight of the oppressed Kashmiri people.

58. Unless that oppression ended, the prospects for peace between Pakistan and India would remain dubious, although his Government hoped that the dialogue initiated by its Prime Minister would be resumed with the new Indian Government. The chances of such a dialogue were not improved, however, by the campaign of terrorism, sponsored from abroad, to which Pakistan was being subjected. State-sponsored terrorism, and his Government had conclusive

evidence in that regard, against peoples struggling for self-determination, or against other States, was a grave violation of both human rights and international law.

59. In Afghanistan, his Government's objectives were identical with those of the United Nations. It was deeply committed to ending the continuing war and the human rights violations there. The international community's efforts should, however, avoid selectivity. Not a voice had been heard to condemn the massacre of 3,000 people in Shibergan and around Mazar-e Sharif by the Northern Alliance, which continued to be responsible for serious violations of human rights.

60. Areas of Afghanistan where peace prevailed should be given immediate international assistance for reconstruction. That would not only promote economic revival and encourage the voluntary repatriation of the Afghan refugees in Pakistan and Iran, but it could also assist national reconciliation and ameliorate the human rights situation in the country.

61. Poverty was the biggest violator of human rights, since it threatened the most basic of rights: the right to life. It claimed more victims than war. The right to development should therefore occupy the highest place in the pantheon of human rights. Unfortunately, the global political commitment to development appeared to be dwindling, the onus being placed entirely on the developing countries themselves. The Commission should give serious consideration to adopting decisions to implement the provisions of the Declaration on the right to development.

62. Another challenge facing the international community was the growing climate of intolerance and hatred. That was a trend which should be decisively halted. Peace and cooperation could be realized only through the genuine exercise of tolerance towards different faiths, cultures and practices. The arrogance of power, the folly of triumphalism and the imposition of "political correctness" on a diverse world had to be opposed and attempts to subordinate United Nations human rights mechanisms to political purposes resisted. The fact that the High Commissioner was engaged in promoting a genuine international consensus on human rights issues was thus very welcome and he hoped that she would be able to impart a fresh impetus to the efforts to realize the vision contained in the Universal Declaration of Human Rights.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1998/4 and Corr. 1, 7, 8, 17-20, 112, 116, 124, 125, 128, 133, 134 and 136)

63. Ms. GLOVER (United Kingdom), speaking on behalf of the European Union and the Central and Eastern European countries associated therewith - and the associated country of Cyprus, said that the Union had been deeply concerned by the lack of progress in the Middle East peace process over the past year. It strongly supported the United States efforts to reinject momentum into the negotiations and would continue to use all its political, economic and moral weight to ensure progress. The peace process could not be allowed to stagnate. The best way forward was a lasting settlement based on the Oslo Accords and the principle of land for peace.

64. All parties should honour their commitments under existing agreements, since trust, cooperation and security were required to strengthen the atmosphere of mutual confidence. In that context, the Union had been disturbed to learn of the shooting at an Israeli checkpoint outside Hebron on 10 March which had resulted in the deaths of three Palestinians and the wounding of others. It welcomed the decision by the Israeli Government to set up a full inquiry into the incident.

65. Both Israel and the Palestinian Authority had committed themselves to respecting human rights. The use of torture and other serious human rights violations was totally unacceptable. Yet incidents of imprisonment without trial, torture and cruel treatment of detainees by Israel continued to occur. Indeed, the Government and the judiciary had taken the unprecedented step of formally sanctioning the use of "physical pressure" against Palestinian detainees. The Union urged the Israeli authorities to end immediately interrogation practices that were in breach of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

66. It was also concerned about other human rights violations by Israel in the occupied Arab territories, such as detention without trial, demolition of houses belonging to the families of terrorist suspects and the discriminatory application of laws to Israelis and Palestinians, including the draft law limiting compensation to Palestinians who were the victims of illegal Israeli actions during the intifada. The Union also called on Israel to allow ICRC access to Khiam prison in southern Lebanon. Full cooperation with international human rights mechanisms, notably the Special Rapporteur, was important if the human rights situation in the area was to be improved.

67. The Union was deeply concerned about reports of human rights violations by the Palestinian Authority. Amnesty International documented human rights violations committed by numerous Palestinian security services in the areas under its jurisdiction, ranging from arbitrary political arrest and prolonged detention without charge or trial to the use of torture and unlawful killings, the failure to investigate violations adequately and the arrest of journalists and human rights defenders. The Union urged the Authority to put an end to all such unacceptable practices.

68. The Union was gravely concerned about the continuing expansion of Israeli settlements in the territories occupied in 1967. Such settlements were both illegal under international law and damaging to the peace process. Both sides must avoid counter-productive actions. Israel should match its stated commitment to the peace process with concrete action to fulfil its obligations and refrain from any act likely to create mistrust about its intentions, such as the expropriation of land, demolition of houses, expulsion of local residents and construction of bypass roads. There should be an immediate and full cessation of all settlement activity in the occupied territories.

69. The Union was concerned at restrictions on the travel freedom of citizens of European Union states who were classified as Palestinian residents. Such people had to obtain exit permits to leave, though they might not be resident at all or even of Palestinian origin. European Union citizens classified as Palestinian residents and admitted on their European Union

passports were not necessarily allowed to leave or to travel internally on them. Such discriminatory practices by Israel against European Union passport holders must stop.

70. Palestinian residents of Jerusalem were also facing problems as a result of discriminatory measures adopted by the Israeli Government and judiciary. They risked losing their Jerusalem identity cards if they were dual citizens or if, despite meeting previous residence requirements, they had lived or worked for extended periods outside the city. Such blatant attempts to change the demographic composition of Jerusalem were contrary to international law and to the spirit of the peace process; they must cease immediately.

71. The Israeli Government's need for security was well understood, but it could be maintained without imposing closures on the occupied territories. The stagnation of the peace process and restrictions on the free movement of Palestinian goods and people had had a negative effect on the Palestinian economy. The Union was investing very large sums of money in support of the peace process through assistance for Palestinian social and economic development, which was a prerequisite for political stability. It was engaged with Israel in a dialogue aimed at finding practical ways of boosting the Palestinian economy and minimizing the negative effect of the restrictions imposed by Israel. It had been encouraged by the Government's positive attitude and hoped to see results on the ground.

72. The Union would continue to monitor human rights violations by both Israel and the Palestinian Authority. It would make representations on issues as they arose and would seek to maintain a regular dialogue with the Palestinian Authority. It remained committed to the aim of a just, lasting and comprehensive peace in the Middle East. The appointment of a Special Envoy was evidence of the Union's strong interest in the peace process and its desire to play a role commensurate with the scale of its interests and economic support. The Union was also providing finance, expertise and equipment to help the Palestinians develop their counter-terrorism capability. Respect for human rights, including the rule of law, remained central to the Union's approach. The Union therefore reiterated its commitment to assisting the parties on the difficult road towards the attainment of peace in the region.

The meeting rose at 12.50 p.m.